

Michele Cerullo

From: BC Antitrust
Sent: Wednesday, February 26, 2003 5:32 PM
To: Michele Cerullo; Patricia Jones
Subject: Fwd: FTC Comment



Header (1 KB)

-----Original Message-----

Date: 02/20/2003 03:24 pm (Thursday)
From: "Lanny Shelton" <LANNYCSHELTON.C.Shelton@conocophillips.com>
To: FTC.SERIUS("antitrust@ftc.gov")
CC: "Scott W Fornelius" <Scott.W.Fornelius@conocophillips.com>
Subject: FTC Comment

Sir:

I apologize for extending these concerns so late in the FTC comment period. Do you suppose that it was by design that these concerns have been raised so late in the period.

This past week, (final week of comment period) the Woods Cross Refinery has had a Conoco Phillips HR Rep. as well as Holly Corp. Reps making presentations of present and future benefits. I believe that it was a convenient oversight for the Conoco Phillips HR Rep. to fail to tell the employees over fifty that the "social security makeup" had been removed from their packet and they were no longer qualified for the benefit from their "retirement plan," because they had been offered employment for Holly Corp. We were not informed that this important benefit had been removed until the HR person was confronted and ask why it had not been a part of the packet that they handed out. Several of the employees in the recent past have ask for retirement calculations and all have been returned with SS Makeup calculations as well. Would it not be the same if the Company withheld our vacation "buyout" that was due us simply because we had been offered a job with Holly Corp? Should the Company put themselves in a position to make implications who our next employer should be?

We do not believe that the plan has been administered fairly. How is it that an x-employee (who was going to retire anyway) "volunteered" for Work Force Stabilization and receives the whole plan without being dissected? The Company has set a precedence from Woods Cross, Borger, and Sweeny to accept "volunteers" to be laid off. I ask for fairness and equality. Should one that volunteers to be laid off, receive benifits, but one that is severed due to sale of assets, doesn't? One is of free will, the other by no choice.

In the "retirement plan" it states that if you are laid off and you are age 50 or older and you are entitled to Work Force Stabilization, and you are not given the opportunity to transfer your plan assets to a tax qualified plan of a successor employer, you will be eligible for additional special provisions. One of those provisions is "early retirement discount," which the Company if offering. Another addresses the "social security makeup." Taken directly from the Retirement Plan, "If you do not continue employment with a successor employer, you will be entitled to a temporary limited social security make up."

On 2-19 we were told by the Conoco Phillips Rep that if we did not sign the job offer from Holly Corp. that we would be viewed as terminating our employment and would not be eligible for Work Force Stabilization.

After stating that would not be the case at all, that employment would be in whole with Phillips until the very last day, it was stated to us that he would not tell us to sign or reject, but if we failed to sign we would not be eligible for WFS. Could we possibly have been baited to sign the Holly offer to be eligible for WFS but giving away our rights to "social security makeup?"

Sir, we have until March 3 for Holly Corp to receive our acceptance. The Refinery has gone through this period pretty much without a local HR. We have had no one to really turn to solve issues. I know that the Hold Separate Business is hear to help and answer questions, but it usually takes a month or more to receive their replies. Will you please help in getting this issue resolved as soon as possible?

Sincerely,
Lanny C. Shelton
Scott W. Fornelius